

AMENDED IN ASSEMBLY MARCH 26, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1092**

---

---

**Introduced by Assembly Member Mullin**

February 27, 2015

---

---

An act to ~~amend Section 114870 of~~ *add Article 5.7 (commencing with Section 107120) to Chapter 4 of Part 1 of Division 104 of the Health and Safety Code, relating to public health.*

LEGISLATIVE COUNSEL'S DIGEST

AB 1092, as amended, Mullin. ~~Public health: radiologic~~ *Magnetic resonance imaging* technologists.

Existing law provides for the certification and regulation of radiologic technologists by the State Department of Public Health. Existing law authorizes the department to adopt regulations to implement those provisions, as specified. Existing law authorizes the department to charge a fee for a certificate issued under those provisions. Existing law requires a fee collected under those provisions to be deposited into the Radiation Control Fund, subject to appropriation by the Legislature. A violation of those provisions is a crime.

This bill would ~~make technical, nonsubstantive changes to that provision.~~ *provide for the licensure of Magnetic Resonance Imaging (MRI) technologists and would make it a misdemeanor to operate a magnetic resonance imaging machine in this state without a license, except as provided. The bill would authorize a person licensed pursuant to these provisions to use the title Licensed MRI Technologist (LMRIT) and would make it a misdemeanor to use that title without a license. By creating new crimes, this bill would impose a state-mandated local program.*

*The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.*

*This bill would provide that no reimbursement is required by this act for a specified reason.*

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~-yes.  
State-mandated local program: ~~no~~-yes.

*The people of the State of California do enact as follows:*

1 SECTION 1. Article 5.7 (commencing with Section 107120) is  
2 added to Chapter 4 of Part 1 of Division 104 of the Health and  
3 Safety Code, to read:

4  
5 Article 5.7. Magnetic Resonance Imaging Technologists  
6

7 107120. (a) A person shall not operate a magnetic resonance  
8 imaging machine in this state without a license issued pursuant  
9 to this article. Violation of this provision is a misdemeanor.

10 (b) This section does not apply to any of the following:

- 11 (1) A licentiate of the healing arts.
- 12 (2) Students in an approved school for MRI technologists or
- 13 other licentiates of the healing arts where the instructor is a
- 14 licensed MRI technologist.
- 15 (3) A person employed by an agency of the United States
- 16 government while performing the duties of that employment.

17 107121. For purposes of this article, the following definitions  
18 shall apply:

- 19 (a) "Department" means the State Department of Public Health.
- 20 (b) "MRI" means magnetic resonance imaging.
- 21 (c) "MRI technologist" means a person who operates MRI
- 22 equipment to produce cross sectional images of a patient's body
- 23 for diagnostic purposes.

24 107122. (a) The department shall license a person as an MRI  
25 technologist who fulfills all of the following requirements:

- 26 (1) Completes and turns in to the department an application for
- 27 licensure on a form prescribed by the department.
- 28 (2) Pays the fee required for licensure as specified in subdivision
- 29 (c).

1 (3) *Is certified by either the American Registry of Magnetic*  
2 *Resonance Imaging Technologists (ARMRIT) or the American*  
3 *Registry of Radiologic Technologists - MRI specialty (ARRT).*

4 (b) *A license as an MRI technologist is effective for one year*  
5 *and may be renewed annually pursuant to a process prescribed*  
6 *by the department.*

7 (c) *The department shall set a fee for initial licensure and*  
8 *renewal of an MRI technologist license at an amount no greater*  
9 *than the amount reasonably sufficient to cover the administrative*  
10 *costs of the licensing program.*

11 107123. *A person licensed pursuant to this article may use the*  
12 *title Licensed MRI Technologist (LMRIT). Any other person using*  
13 *that designation shall be guilty of a misdemeanor.*

14 107124. *A license as an MRI technologist may be denied,*  
15 *revoked, or suspended by the department for any of the following*  
16 *reasons:*

17 (a) *Habitual intemperance in the use of alcoholic beverages,*  
18 *narcotics, or stimulants to the extent that the person is*  
19 *incapacitated for the performance of his or her professional duties.*

20 (b) *Incompetence or gross negligence in performing MRI*  
21 *technologist functions.*

22 (c) *Conviction of practicing one of the healing arts without a*  
23 *license in violation of Chapter 5 (commencing with Section 2000)*  
24 *of Division 2 of the Business and Professions Code.*

25 (d) *Procuring a license by fraud, misrepresentation, or mistake.*

26 (e) *Use of the title of Licensed MRI Technologist by one not*  
27 *entitled to that use.*

28 (f) *Nonpayment of fees pursuant to subdivision (c) of Section*  
29 *107122.*

30 (g) (1) *Conviction, either within the state or elsewhere, of a*  
31 *misdemeanor or felony involving moral turpitude, that was*  
32 *committed during the performance of MRI technologist duties. A*  
33 *plea or verdict of guilty or a conviction following a plea of nolo*  
34 *contendere made to a charge is deemed a conviction for this*  
35 *purpose.*

36 (2) *Upon the recommendation, of either the court that imposed*  
37 *or suspended sentence or the parole or probation authority having*  
38 *jurisdiction of the person, that the person has responded to the*  
39 *correctional and rehabilitative process to a degree that might*

1 warrant waiver of the provisions of this subdivision, the department  
2 may, at its discretion, take no action pursuant to this subdivision.

3 SEC. 2. No reimbursement is required by this act pursuant to  
4 Section 6 of Article XIII B of the California Constitution because  
5 the only costs that may be incurred by a local agency or school  
6 district will be incurred because this act creates a new crime or  
7 infraction, eliminates a crime or infraction, or changes the penalty  
8 for a crime or infraction, within the meaning of Section 17556 of  
9 the Government Code, or changes the definition of a crime within  
10 the meaning of Section 6 of Article XIII B of the California  
11 Constitution.

12 SECTION 1. ~~Section 114870 of the Health and Safety Code~~  
13 ~~is amended to read:~~

14 ~~114870. The department shall do all of the following:~~

15 ~~(a) Upon recommendation of the committee, adopt regulations~~  
16 ~~as may be necessary to accomplish the purposes of this chapter.~~

17 ~~(b) (1) Provide for the certification of radiologic technologists,~~  
18 ~~without limitation as to procedures or areas of application, except~~  
19 ~~as provided in Section 106980. Separate certificates shall be~~  
20 ~~provided for diagnostic radiologic technology, for mammographic~~  
21 ~~radiologic technology, and for therapeutic radiologic technology.~~  
22 ~~If a person has received accreditation to perform mammography~~  
23 ~~from a private accreditation organization, the department shall~~  
24 ~~consider this accreditation when deciding to issue a mammographic~~  
25 ~~radiologic technology certificate.~~

26 ~~(2) Provide, upon recommendation of the committee, that a~~  
27 ~~radiologic technologist who operates digital radiography equipment~~  
28 ~~devote a portion of his or her continuing education credit hours to~~  
29 ~~continuing education in digital radiologic technology.~~

30 ~~(c) (1) (A) Provide, as may be deemed appropriate, for issuing~~  
31 ~~limited permits to persons to conduct radiologic technology limited~~  
32 ~~to the performance of certain procedures or the application of~~  
33 ~~X-rays to specific areas of the human body, except for~~  
34 ~~mammography, prescribe minimum standards of training and~~  
35 ~~experience for these persons, and prescribe procedures for~~  
36 ~~examining applicants for limited permits. The minimum standards~~  
37 ~~shall include a requirement that persons issued limited permits~~  
38 ~~under this subdivision shall meet those fundamental requirements~~  
39 ~~in basic radiological health training and knowledge similar to those~~  
40 ~~required for persons certified under subdivision (b) as the~~

1 department determines are reasonably necessary for the protection  
2 of the health and safety of the public.

3 (B) Provide that an applicant for approval as a limited permit  
4 X-ray technician in the categories of chest radiography, extremities  
5 radiography, ~~gastrointestinal radiography, genitourinary~~  
6 radiography, ~~leg-podiatric radiography, skull radiography, and~~  
7 torso-skeletal radiography, as these categories are defined in  
8 Section 30443 of Title 17 of the California Code of Regulations,  
9 shall have at least 50 hours of education in radiological protection  
10 and safety. The department may allocate these hours as it deems  
11 appropriate.

12 (2) Provide that a limited permit X-ray technician in the  
13 categories of chest radiography, extremities radiography,  
14 gastrointestinal radiography, genitourinary radiography,  
15 leg-podiatric radiography, skull radiography, and torso-skeletal  
16 radiography, as these categories are defined in Section 30443 of  
17 Title 17 of the California Code of Regulations, may perform digital  
18 radiography within their respective scopes of practice after  
19 completion of 20 hours or more of instruction in digital radiologic  
20 technology approved by the department. This requirement shall  
21 not be construed to preclude limited permit X-ray technicians in  
22 the categories of dental laboratory radiography and X-ray bone  
23 densitometry from performing digital radiography upon meeting  
24 the educational requirements determined by the department.

25 (3) Provide, upon recommendation of the committee, that a  
26 limited permit X-ray technician who has completed the initial  
27 instruction described in paragraph (2) devote a portion of his or  
28 her required continuing education credit hours to additional  
29 continuing instruction in digital radiologic technology.

30 (d) Provide for the approval of schools for radiologic  
31 technologists. Schools for radiologic technologists shall include  
32 20 hours of approved instruction in digital radiography. The  
33 department may exempt a school from this requirement as it deems  
34 appropriate.

35 (e) Provide, upon recommendation of the committee, for  
36 certification of licentiates of the healing arts to supervise the  
37 operation of X-ray machines or to operate X-ray machines, or both,  
38 prescribe minimum standards of training and experience for these  
39 licentiates of the healing arts, and prescribe procedures for  
40 examining applicants for certification. This certification may limit

1 the use of X-rays to certain X-ray procedures and the application  
2 of X-rays to specific areas of the human body.

3 ~~(f) (1) Provide for certification of any physician and surgeon~~  
4 ~~to operate, and supervise the operation of, a bone densitometer, if~~  
5 ~~that physician and surgeon provides the department a certificate~~  
6 ~~that evidences training in the use of a bone densitometer by a~~  
7 ~~representative of a bone densitometer machine manufacturer, or~~  
8 ~~through any radiologic technology school. The certification shall~~  
9 ~~be valid for the particular bone densitometer the physician and~~  
10 ~~surgeon was trained to use, and for any other bone densitometer~~  
11 ~~that meets all of the criteria specified in subparagraphs (A) to (C),~~  
12 ~~inclusive, if the physician and surgeon has completed training, as~~  
13 ~~specified in subparagraph (A) of paragraph (2), for the use of that~~  
14 ~~bone densitometer. The physician and surgeon shall, upon request~~  
15 ~~of the department, provide evidence of training, pursuant to~~  
16 ~~subparagraph (A) of paragraph (2), for the use of any bone~~  
17 ~~densitometer used by the physician and surgeon. The activity~~  
18 ~~covered by the certificate shall be limited to the use of an X-ray~~  
19 ~~bone densitometer to which all of the following is applicable:~~

20 ~~(A) The bone densitometer does not require user intervention~~  
21 ~~for calibration.~~

22 ~~(B) The bone densitometer does not provide an image for~~  
23 ~~diagnosis.~~

24 ~~(C) The bone densitometer is used only to estimate bone density~~  
25 ~~of the heel, wrist, or finger of the patient.~~

26 ~~(2) The certificate shall be accompanied by a copy of the~~  
27 ~~curriculum covered by the manufacturer's representative or~~  
28 ~~radiologic technology school. The curriculum shall include, at a~~  
29 ~~minimum, instruction in all of the following areas:~~

30 ~~(A) Procedures for operation of the bone densitometer by the~~  
31 ~~physician and surgeon, and for the supervision of the operation of~~  
32 ~~the bone densitometer by other persons, including procedures for~~  
33 ~~quality assurance of the bone densitometer.~~

34 ~~(B) Proper radiation protection of the operator, the patient, and~~  
35 ~~third parties in proximity to the bone densitometer.~~

36 ~~(C) Provisions of Article 5 (commencing with Section 106955)~~  
37 ~~of Chapter 4 of Part 1 of Division 104.~~

38 ~~(D) Provisions of Chapter 6 (commencing with Section 114840)~~  
39 ~~of Part 9 of Division 104.~~

1 ~~(E) Provisions of Group 1 (commencing with Section 30100)~~  
2 ~~of Subchapter 4 of Chapter 5 of Division 1 of Title 17 of the~~  
3 ~~California Code of Regulations.~~

4 ~~(F) Provisions of Group 1.5 (commencing with Section 30108)~~  
5 ~~of Subchapter 4 of Chapter 5 of Division 1 of Title 17 of the~~  
6 ~~California Code of Regulations.~~

7 ~~(G) Provisions of Article 1 (commencing with Section 30250)~~  
8 ~~of Group 3 of Subchapter 4 of Chapter 5 of Division 1 of Title 17~~  
9 ~~of the California Code of Regulations.~~

10 ~~(H) Provisions of Article 2 (commencing with Section 30254)~~  
11 ~~of Group 3 of Subchapter 4 of Chapter 5 of Division 1 of Title 17~~  
12 ~~of the California Code of Regulations.~~

13 ~~(I) Provisions of Article 3 (commencing with Section 30265)~~  
14 ~~of Group 3 of Subchapter 4 of Chapter 5 of Division 1 of Title 17~~  
15 ~~of the California Code of Regulations.~~

16 ~~(J) Provisions of Article 4 (commencing with Section 30305)~~  
17 ~~of Group 3 of Subchapter 4 of Chapter 5 of Division 1 of Title 17~~  
18 ~~of the California Code of Regulations.~~

19 ~~(K) Provisions of Subchapter 4.5 (commencing with Section~~  
20 ~~30400) of Chapter 5 of Division 1 of Title 17 of the California~~  
21 ~~Code of Regulations.~~

22 ~~(3) (A) Notwithstanding any other provision of law, this~~  
23 ~~subdivision shall constitute all the requirements that must be met~~  
24 ~~by a physician and surgeon in order to operate, and supervise the~~  
25 ~~operation of, a bone densitometer. The department may adopt~~  
26 ~~regulations consistent with this section in order to administer the~~  
27 ~~certification requirements.~~

28 ~~(B) No person may be supervised by a physician and surgeon~~  
29 ~~in the use of a bone densitometer unless that person possesses the~~  
30 ~~necessary license or permit required by the department.~~

31 ~~(C) Nothing in this subdivision shall affect the requirements~~  
32 ~~imposed by the committee or the department for the registration~~  
33 ~~of a bone densitometer machine, or for the inspection of facilities~~  
34 ~~in which any bone densitometer machine is operated.~~

35 ~~(D) This subdivision shall not apply to a licentiate of the healing~~  
36 ~~arts who is certified pursuant to subdivision (e) or pursuant to~~  
37 ~~Section 107111.~~

38 ~~(E) The department shall charge a fee for a certificate issued~~  
39 ~~pursuant to this subdivision to the extent necessary to administer~~  
40 ~~certification. The fee shall be in an amount sufficient to cover the~~

1 department's costs of implementing this subdivision and shall not  
2 exceed the fee for certification to operate or supervise the operation  
3 of an X-ray machine pursuant to subdivision (c). The fees collected  
4 pursuant to this subparagraph shall be deposited into the Radiation  
5 Control Fund established pursuant to Section 114980.  
6 ~~(g) Upon recommendation of the committee, exempt from~~  
7 ~~certification requirements those licentiates of the healing arts who~~  
8 ~~have successfully completed formal courses in schools certified~~  
9 ~~by the department and who have successfully passed a~~  
10 ~~roentgenology technology and radiation protection examination~~  
11 ~~approved by the department and administered by the board that~~  
12 ~~issued his or her license.~~

O